

Message Text

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PAGE 01 STATE 185997

64

ORIGIN NEA-10

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DRAFTED BY NEA/ARP:JRCOUNTRYMAN:BH

APPROVED BY NEA/ARP:FMDICKMAN

L/M:HSHAMWELL

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FM SECSTATE WASHDC

TO AMEMBASSY SANA

UNCLAS STATE 185997

E.O. ,1652: N/A

TAGS: AFSP, YE

SUBJECT: EXAMINATION OF HOUSEHOLD EFFECTS

REF: SANA 2492

1. YARG PRACTICE OF INSPECTING HOUSEHOLD EFFECTS OF DEPARTING DIPLOMATIC PERSONNEL SHOULD BE PROTECTED ON GROUND THAT IT DOES NOT ACCORD WITH ARTICLE 30 OF THE VIENNA CONVENTION. THAT ARTICLE PROVIDES THAT THE RESIDENCE AND HOUSEHOLD EFFECTS OF A DIPLOMATIC AGENT ARE INVIOLEABLE: "HIS PAPERS, CORRESPONDENCE AND, EXCEPT AS PROVIDED IN PARAGRAPH 3 OF ARTICLE 31, HIS PROPERTY, SHALL LIKEWISE ENJOY INVIOLEABILITY."

2. INTENT OF ARTICLE 30 IS TO RENDER INVIOLEABLE A DIPLOMAT'S PROPERTY DURING ENTIRE PERIOD IT IS WITHIN BORDERS OF RECEIVING STATE. THUS, WHETHER IT IS "BAGGAGE"OR WHETHER OR NOT IT IS ACTUALLY "ACCOMPANIED" BY DIPLOMAT, IS NOT GERMANE TO ARTICLE 30.

3. ADDITIONALLY, YARG INTERPRETATION OF ARTICLE 36 IS UNCLASSIFIED

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PAGE 02 STATE 185997

NOT JUSTIFIED BY THE WORDING OF THE ARTICLE ITSELF.

ARTICLE 36 ESTABLISHES NO REQUIREMENT THE DIPLOMAT

PHYSICALLY ACCOMPANY BAGGAGE. FOR EXAMPLE, WERE BAGGAGE
OF ARRIVING DIPLOMAT TO BE TEMPORARILY LOST OR MISDIRECTED
AND ARRIVE DAYS LATER THAN THE DIPLOMAT HIMSELF, IT SHOULD
STILL BE CONSIDERED EXEMPT FROM INSPECTION, SUBJECT TO
CONDITIONS SPECIFIED IN THE ARTICLE.

4. YOU SHOULD SET YARG STRAIGHT REGARDING GENERALLY
ACCEPTED INTERPRETATION OF ARTICLE 36, BUT BASE OBJECTION
TO UNAUTHORIZED INSPECTION ON INVIOABILITY UNDER ARTICLE
30.

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